

Notice of Rulemaking Hearing
Tennessee Department of Environment And Conservation
Division of Air Pollution Control

There will be a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board to consider the promulgation of an amendment to the Tennessee Air Pollution Control Regulations and the State Implementation Plan pursuant to Tennessee Code Annotated, Section 68-201-105. The comments received at this hearing will be presented to the Tennessee Air Pollution Control Board for their consideration in regards to the proposed regulatory amendment. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-201 et. seq. and will take place in the 9th Floor Conference Room of the L & C Annex, located at 401 Church Street, Nashville, Tennessee 37243-1531 at 9:30 a.m. on the 17th day of February, 2005.

Written comments will be included in the hearing records if received by the close of business February 17, 2005, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531.

Any individuals with disabilities who wish to participate in these proceedings (or to review these filings) should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be in person, by writing, telephone, or other means, and should be made no less than ten (10) days prior to (February 17, 2005) or the date such party intends to review such filings, to allow time to provide such aid or service. Contact the Tennessee Department of Environment and Conservation ADA Coordinator, 21st Floor, 401 Church Street, Nashville TN 37243, (615) 532-0103. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

If you have any questions about the origination of this rule change, you may contact Mr. Jeff Cales at 931-432-7621. For complete copies of the text of the notice, please contact Mr. Malcolm Butler, Department of Environment and Conservation, 9th Floor, L & C Tower, 401 Church Street, Nashville, TN 37243, telephone 615-532-0600.

Summary of Proposed Changes

Chapter 1200-3-2
Definitions

Amendments

Subparagraph (c) of paragraph (1) of rule 1200-3-2-.01 GENERAL DEFINITIONS is amended by adding a definition for "air curtain destructor or air curtain incinerator". Subparagraph (w) of paragraph (1) of rule 1200-3-2-.01 GENERAL DEFINITIONS is amended by including wigwam burners, air curtain destructors, and air curtain incinerators in the definition for incinerator. The proposal essentially redefines wigwam burners, air curtain destructors, and air curtain incinerators as incineration and not open burning, so as to require all regulated units to obtain individual permits for implementation of recently required new standards for those units. These changes are necessary to more effectively regulate incineration statewide.

Text of Proposed Change

Chapter 1200-3-2
Definitions

Amendments

1. Subparagraph (c) of paragraph (1) of rule 1200-3-2-.01 GENERAL DEFINITIONS is amended by substituting for the present subparagraph (c), a new subparagraph (c) so that, as amended, the new subparagraph (c) shall read:
 - (c) “Air Curtain Destructor or Air Curtain Incinerator” is a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a burn chamber with vertical walls in such a manner as to maintain a curtain of air over the surface of the burn chamber and a recirculating motion of air under the curtain.
2. Subparagraph (w) of paragraph (1) of rule 1200-3-2-.01 GENERAL DEFINITIONS is amended by substituting for the present subparagraph (w), a new subparagraph (w) so that, as amended, the new subparagraph (w) shall read:
 - (w) Incinerator is any equipment, device, or contrivance used for disposal of waste or refuse by burning, including wigwam burners, air curtain destructors, and air curtain incinerators

Authority: TCA 68-201-105 and 4-5-201 et. seq. Administrative History: Original rule certified June 7, 1974. Amendment filed January 10, 1977; effective February 9, 1977. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed May 17, 1978; effective June 16, 1978. Amendment filed February 5, 1979; effective March 21, 1979. Amendment filed May 7, 1979; effective June 21, 1979. Amendment filed September 10, 1979; effective October 25, 1979. Amendment filed December 31, 1979; effective February 14, 1980. Amendment filed May 13, 1980; effective June 27, 1980. Amendment filed December 8, 1981; effective January 22, 1982. Amendment filed December 18, 1981; effective February 1, 1982. Amendment filed July 3, 1984; effective August 1, 1984. Amendment filed September 22, 1988; effective November 6, 1988. Amendment filed April 18, 1990; effective June 2, 1990. Amendment filed May 17, 1990; effective July 2, 1990. Amendment filed April 18, 1990; effective August 2, 1990. Amendment filed May 12, 1993; effective June 26, 1993. Amendment filed June 14, 1993; effective July 29, 1993. Amendment filed December 30, 1999; effective March 14, 2000. Amendment filed June 4, 2001; effective August 18, 2001. Amendment filed January 17, 2003; effective April 1, 2003.

Legal Contact and/or party who will approve final copy for publication:

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Contact for disk acquisition:

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I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Division of Air Pollution Control.

Barry R. Stephens
Director
Tennessee Division of Air Pollution Control

Subscribed and sworn to before me this the ____ day of _____, 2004.

Notary Public

My commission expires on the ____ day of _____, _____.

This notice of rulemaking set out herein was properly filed in the Department of State on the ____ day of _____, 2005.

Riley C. Darnell
Secretary of State

By: _____